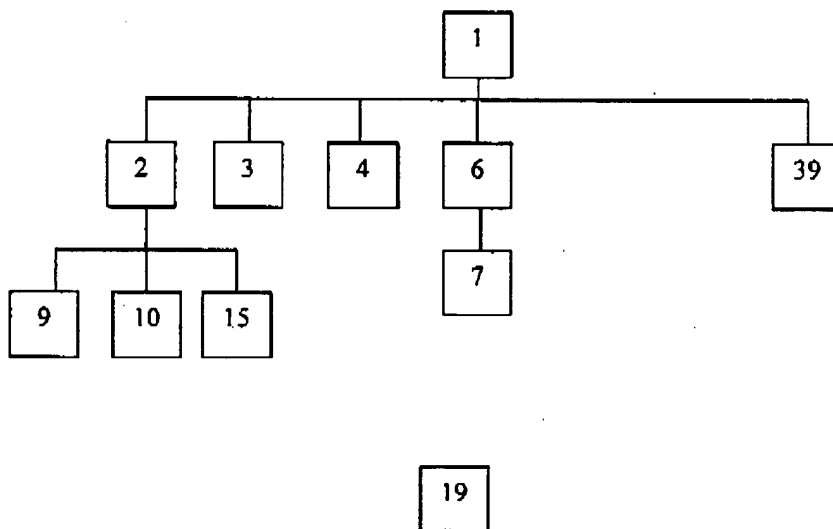


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REMARKS

Claims 1-4, 6, 7, 9, 10, 12-15, 19, 38, and 39 are pending. No claims currently stand allowed. Applicants further request that the Office acknowledges that claims 5, 8, 11, 16-18 and 20-37 have been canceled in the previous Amendment B. Below is a claim diagram illustrating the relationship among the claims remaining after entry of this amendment.



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The Office Action dated February 20, 2004, has been carefully considered. The Office Action rejects all pending claims under 35 U.S.C. 103(a) as obvious over a combination of U.S. Patent No. 5,848,266 to Scheurich (herein "Scheurich") in view of U.S. Patent No. 5,687,167 to Bertin et al. (herein "Bertin").

Applicants' representative, Grace Law, conducted an interview with the Examiner on March 23, 2004. The parties primarily discussed the application of Scheurich and Bertin to claims 12-14. No agreement was reached at the interview and the Examiner requested that the arguments proposed be submitted in writing. Accordingly, this response is submitted pursuant to the interview with the Examiner.

Scheurich teaches a method for transferring a time varying signal, wherein the rate of the varying signal is adjusted according to allocated bandwidth (Scheurich, Column 3, lines 56-61). Specifically, the digital representation of the time varying signal is chosen according to the available bandwidth (Scheurich, Column 3, lines 1-3). For example, if the available bandwidth is minimal, a sparser sampling of pixels may be used to represent each frame of a video signal or the video signal can be compressed to accommodate the lack of available bandwidth (Scheurich, Column 3, lines 61-67). Thus, in Scheurich, signal quality is adjusted to accommodate the bandwidth allocation (Scheurich, Column 3, lines 65-67).

Bertin teaches a method for bandwidth management by preempting connections based on call priority (Bertin, Column 2, lines 46-53). In Bertin, multiple connections are divided into a limited number of priority groups (Bertin, Column 3, lines 23-24). However, there is no specific disclosure of any policy preferences for assigning the various priorities to each connection. Although Bertin discusses the connections being divided into different priority groups, the priority of each connection is assumed and given with each packet. Each packet already includes assigned priority for bandwidth allocation upon arrival at a node. Bertin simply divides these packets with the given priorities into different priority groups, and the allocation of the packet is based on the assigned priority. However, Bertin does not teach or suggest any preferred policy for assigning different allocation priorities to each packet.

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In light of these differences noted from the cited references and to expedite the prosecution, the claims are amended to more distinctly point out the policy for reallocating bandwidth when such a reallocation is deemed necessary. Specifically, Applicants have amended independent claims 1 and 19 to call for allocating bandwidth in keeping with specific preferences as recited in cancelled claim 12, 13, 14, and 38. These preferences implement a policy for bandwidth allocation and are discussed on page 19, line 1, through page 20, line 25, and page 24, line 26, through page 25, line 12.

Unlike the references of record, claims 1 and 19 recite a priority preference for allocating bandwidth to (1) a currently running application, (2) an application running in a foreground, (3) a most recently used application, or (4) a most frequently running application; whereas, Bertin relates to a way to allocate bandwidth to packets with assigned priorities. As a result, Bertin does not teach or suggest a priority preference for allocating bandwidth, because the priority of each packet is assumed. In regard to Scheurich, no preference of allocating bandwidth is also disclosed at all, because the digital file is altered to accommodate the allocated bandwidth. Thus, Scheurich is not concerned with a policy for allocating bandwidth among multiple devices. As a result, neither Scheurich nor Bertin, singly or in combination, discusses or hints at these recited policy preferences.

In fact, the Office Action never specifically points out how these recited features relate to the teachings of these cited references. Although the claims are given their broadest interpretation that is in keeping with the specification, each and every element of the claims must be considered. Moreover, under the obviousness rejection, any suggestion or motivation has to be based on the teachings of the cited references. The Office Action did not specifically address any of the specific preferences recited in the dependent claims and now expressly set forth in the independent claims. When fully considered, the cited references do not, alone or combined, disclose or suggest allocating bandwidth by preferencing (1) a currently running application, (2) an application running in a foreground, (3) a most recently used application, and (4) a most frequently running application as recited in independent claims 1 and 19. With this amendment, the rejection of independent claims 1 and 19 should be overcome.

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The remaining dependent claims 2-4, 6, 7, 9-10, 15, and 39 depend from claim 1. Applicants submit that the dependent claims are patentable for at least the same reasons as their respective base claims given the remarks and amendments above. Applicants reserve the right to present further arguments in the future with regard to these dependent claims in the event that the independent claims are deemed unpatentable. Accordingly, Applicants request that the rejections of dependent claims 2-4, 6, 7, 9-10, 15, and 39 be reconsidered and withdrawn.

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CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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